

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**DATATREASURY
CORPORATION,**

§

Plaintiff,

§

§

CIVIL ACTION NO. 6:11-CV-00092

v.

§

§

JURY TRIAL DEMANDED

**CAPITAL ONE FINANCIAL
CORPORATION, ET AL**

§

Defendants.

§

**AGREED MOTION TO DISMISS DEFENDANTS REGIONS FINANCIAL CORP. AND
REGIONS BANK WITH PREJUDICE**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate Settlement, Release and License Agreement, the Plaintiff, DataTreasury Corp. (“DTC”) and Defendants Regions Financial Corporation and Regions Bank (“Defendants”) have agreed to settle, adjust and compromise all claims against each other in the above-captioned actions. The parties move this Court to dismiss with prejudice in the above-entitled causes any and all claims by DTC against Defendants

DTC and Defendants also move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same. Other than Defendants, no defendants shall be dismissed as a result of this Motion.

A proposed Order accompanies this motion.

Respectfully submitted,



NELSON J. ROACH, Attorney in Charge

STATE BAR NO. 16968300

DEREK GILLILAND

STATE BAR NO. 24007239

NIX PATTERSON & ROACH, L.L.P.

205 Linda Drive

Daingerfield, Texas 75638

903.645.7333 (telephone)

903.645.5389

njroach@nixlawfirm.com

dgilliland@nixlawfirm.com

C. CARY PATTERSON

STATE BAR NO. 15587000

BRADY PADDOCK

STATE BAR NO. 00791394

R. BENJAMIN KING

STATE BAR NO. 24048592

NIX PATTERSON & ROACH L.L.P.

2900 St. Michael Drive, Suite 500

Texarkana, Texas 75503

903.223.3999 (telephone)

903.223.8520 (facsimile)

bpaddock@nixlawfirm.com

benking@nixlawfirm.com

ANTHONY BRUSTER

STATE BAR NO. 24036280

ROD COOPER

STATE BAR NO. 90001628

EDWARD CHIN

STATE BAR NO.. 50511688

NICOLE REED KIEWER

STATE BAR NO. 24041759

ANDREW WRIGHT

STATE BAR NO. 24063927

NIX PATTERSON & ROACH, L.L.P.

5215 N. O'Connor Blvd., Suite 1900
Irving, Texas 75039
972.831.1188 (telephone)
972.444.0716 (facsimile)
akbruster@nixlawfirm.com
rodcooper@nixlawfirm.com
edchin@me.com
nicolekliewer@nixlawfirm.com
andrewjwright@me.com

JOE KENDALL
STATE BAR NO. 11260700
KARL RUPP
STATE BAR NO. 24035243
KENDALL LAW GROUP, LLP
3232 McKinney Avenue, Ste. 700
Dallas, Texas 75204
214.744.3000 (telephone)
214.744.3015 (facsimile)
jkendall@kendalllawgroup.com
krupp@kendalllawgroup.com

ERIC M. ALBRITTON
STATE BAR NO. 00790215
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
903.757.8449 (telephone)
903.758.7397 (facsimile)
ema@emafirm.com

T. JOHN WARD, JR.
STATE BAR NO. 00794818
WARD & SMITH LAW FIRM
P.O. Box 1231
Longview, Texas 75606
903.757.6400 (telephone)
903.757.2323 (facsimile)
jw@jwfirm.com

SETH OSTROW
STATE BAR NO. 2532257
MATTHEW L. KAUFMAN

STATE BAR NO. 4001046
JEANPIERRE J. GIULIANO
STATE BAR NO. 4273777
ELYSSA S. LANE
STATE BAR NO. 4388393
OSTROW KAUFMAN LLP
555 5th Avenue. 19th Floor
New York, NY 10017
212.682.9015
212.682.9222 (facsimile)
mkaufman@ostrowkaufman.com
sostrow@ostrowkaufman.com
jpgiuliano@ostrowkaufman.com
elyssa.lane@gmail.com

**ATTORNEYS FOR PLAINTIFF
DATATREASURY CORPORATION**

STEPTOE & JOHNSON LLP

John M. Caracappa
Paul A. Gennari
1330 Connecticut Ave. N.W.
Washington, DC 20036-1564
Telephone: 202-429-6267
Fax: 202-429-3902
jcaracappa@steptoe.com
pgennari@steptoe.com

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500
Tyler, Texas 75702
Tel: (903) 597 8311
Fax: (903) 593 0846

**ATTORNEYS FOR DEFENDANTs REGIONS
FINANCIAL CORP. AND REGIONS BANK**

CERTIFICATE OF SERVICE

I certify that on September 1, 2011, all counsel who are deemed to have consented to electronic service are being served with a copy of this document via electronic transmission.

A handwritten signature in black ink, appearing to read "Nelson J. Roach", written in a cursive style.

Nelson J. Roach